

[illegible]



SENATE STANDING COMMITTEE REPORT

February 7, 2007

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **Senate Bill 379** (first reading copy -- white) do pass.

Signed:


Senator Jesse Laslovich, Chair

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required 

271355SC.ssc

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **SB 192**, by motion, on **Wednesday, February 7, 2007**.

Carol Andersen
(For the Committee)

KJ
(Secretary of the Senate)

 12-7
(Time) (Date)

February 7, 2007

Carol R. Andersen, Secretary

Phone: 444-4697

MONTANA STATE SENATE
2007 LEGISLATURE

JUDICIARY

ROLL CALL VOTE

DATE 2-7-07 BILL NO. SB192 NUMBER SB019204.avl

MOTION: Do Pass as amended, Failed -
Reversed & Tabled

NAME	AYE	NO
SEN. LYNDIA MOSS (D)	✓	
SEN. DAN McGEE (R)	✓	
SEN. CAROL WILLIAMS (D)		✓
SEN. CAROL JUNEAU (D)		✓
SEN. GERALD PEASE (D)	✓	
SEN. JIM SHOCKLEY (R)		✓
SEN. AUBYN CURTISS (R)		✓
SEN. JERRY O'NEIL (R)		✓
SEN. LARRY JENT (D)		✓
SEN. GARY PERRY (R)		✓
SEN. DAVID WANZENRIED (D)		✓
SEN. JESSE LASLOVICH (D) CHAIRMAN	✓	
	4	8
VALENCIA LANE, LSD		
CAROL ANDERSEN, COMMITTEE SECRETARY		

**MONTANA STATE SENATE
2007 LEGISLATURE**

VISITOR REGISTER

JUDICIARY

DATE 2-7-07

BILLS BEING HEARD TODAY SB 306

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
PAUL RICHARDS	225-4275	Self	306	✓	
Susan K DeBree					
Susan K DeBree	370-9953	United Methodist Church	306	✓	
John Jacobson	494 8206	Self	306	✓	
Bill Hunt	443-2991	Self	306	✓	
Jay H Peterson	999-2698	Diocese of Great Falls-Billings	306	✓	
Stella Ziegler	245-0973	Self	306	✓	
JA Ziegler	245-0973	MT CATH CONF	306	✓	
Bernard J. Hennessy	782-0171	BUTTE MONT	306		✓
MARY McLaughlin	494-1330	Self	306		✓
MARY McLaughlin	494-1330	Self	306		✓
Jerry McLaughlin	494-1330	Self	306		✓
Bernard A. Hennessy	442-7108	SELF	306	✓	
Sydney Taber	458-3329	Self	306	✓	
Doug NULF	442-4073	SELF	306		✓
Ed Sheehy	251-5245	Self	306	✓	
Eric Olson	781-0681	"	"	✓	
Charles Hennings	225-4387	Self	306	✓	
Janna Taylor	4856	Self	"		✓
Brady Vardemann	406 449-6010	MT Assoc. of Churches	SB 306	✓	
Ronald F. Waterman	442-8560	Self		✓	

Eve Malo 683-4913 MVFR & A1

SB 306 ✓

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MARY Solley 727-2829 Self

306 ✓

**MONTANA STATE SENATE
2007 LEGISLATURE**

VISITOR REGISTER

JUDICIARY

DATE 2-7-07

BILLS BEING HEARD TODAY SB 306

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
THOMAS D BERRY	323-3151	SELF			
Amanda Arnold	546-2352	MHRN	306	Y	
Sam Millsap	461-8176	Self	306	✓	
Gary Hilton	461-8176	Self	306	✓	
David Kozynski	461-8176	Self	306	✓	
ERIC STIMSON	449-2689	Self	306	✓	
JoAnn Hanson	449-2689	Self	306	✓	
Dan Doyle	461-8176	Self	306	✓	
Sandra Jankowski	443-7568	Self	306	✓	
Eve Mab	461-8176	Self	306	✓	
Dan Doyle	461-8176	Self	306	✓	
Mike Kecskes	449-6811	SELF	306		✓
MARCA MORGAN	0	Self	306	✓	
W LEE SMITH	449-6811	SELF	306		✓
MARY SKEENY MOE	468-9374	SELF	306	✓	
JOHN C. JENSEN		SELF	306	✓	
V. Hellermann	443-2685	Self	306	✓	
Walter Rea Knight	442-1286	Self	306	✓	
Betty & Bill Lohmeyer	457-0515	Self	306	✓	
Bill Lovelady	457-0515	Self	306	✓	
Phyllis Birk	4777	Self	306	✓	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

VISITOR REGISTER

JUDICIARY

BILLS BEING HEARD TODAY

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME Mabel Ferch

ADDRESS 212 Baden

HOME PHONE 782-0171 WORK PHONE _____

REPRESENTING Self ^{9B}

APPEARING ON WHICH PROPOSAL 306

DO YOU: SUPPORT _____ OPPOSE X AMEND _____

COMMENTS:

I think that the death penalty
should stay in affect. They
did not have mercy on their
victim & I believe more will
happen if this is not kept.

If all so think the appeals
are to be done in one go
& after (death)

Thank you.

Mabel Ferch

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

WITNESS STATEMENT

DO YOU: SUPPORT ✓ OPPOSE AMEND

This image shows a single sheet of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Testimony as a proponent of SB 306 before the Senate Judiciary Committee

February 7, 2007

Thank you for receiving my testimony.

For the record, my name is **Reverend Susan Kidder DeBree**. I live in Helena and am a fourth generation Montanan. I raised six children on a ranch northwest of Helena and lost my firstborn daughter through domestic violence-related homicide.

I speak today on behalf of my Bishop as a representative of the United Methodist Church. As a District Superintendent of the Western Mountains, I am the supervising pastor of fifty United Methodist Churches from Livingston to Troy. I also speak as the past president of the Montana Association of Churches.

The Montana Association of Churches opposes capital punishment and calls upon the Montana legislature to abolish the death penalty.

This position is supported unanimously by all our judicatories, including: the American Baptist Churches of the Northwest; the Christian Church (Disciples of Christ) in Montana; the Episcopal Diocese of Montana; the Montana Synod of the Evangelical Lutheran Church in America; the Glacier and Yellowstone Presbyteries of the Presbyterian Church (USA), the two Roman Catholic Dioceses of Helena and Great Falls/Billings; the Montana/Northern Wyoming Conference of the United Church of Christ; and the Yellowstone Conference of the United Methodist Church. Individual members may vary from official church positions, but our unified statement has been worked out through a long process of dialogue and prayer.

I believe we each hold within us the capacity for violence, what Carl Sagen called the "Dragons of Eden." We all stand in continual need of redeeming grace. We have our lifetimes to recognize our need, repent and receive forgiveness and reconciliation. I have known many people who have experienced this transformative process. Imposition of the death sentence cuts off this possibility and increases the cycle of using deadly violence as a means to solve conflicts. It simply is state sanctioned revenge.

We support SB 306, and we encourage you to support it as well.

Rev. Susan K. DeBree
1106 Wilder
Helena, MT 59601

Testimony as a proponent of SB 306 before the Senate Judiciary Committee

February 7, 2007

Thank you for receiving my testimony.

For the record, my name is **Reverend Susan Kidder DeBree**. I live in Helena and am a fourth generation Montanan. I raised six children on a ranch northwest of Helena and lost my firstborn daughter through domestic violence-related homicide.

I speak today on behalf of my Bishop as a representative of the United Methodist Church. As a District Superintendent of the Western Mountains, I am the supervising pastor of fifty United Methodist Churches from Livingston to Troy. I also speak as the past president of the Montana Association of Churches.

The Montana Association of Churches opposes capital punishment and calls upon the Montana legislature to abolish the death penalty.

This position is supported unanimously by all our judicatories, including: the American Baptist Churches of the Northwest; the Christian Church (Disciples of Christ) in Montana; the Episcopal Diocese of Montana; the Montana Synod of the Evangelical Lutheran Church in America; the Glacier and Yellowstone Presbyteries of the Presbyterian Church (USA), the two Roman Catholic Dioceses of Helena and Great Falls/Billings; the Montana/Northern Wyoming Conference of the United Church of Christ; and the Yellowstone Conference of the United Methodist Church. Individual members may vary from official church positions, but our unified statement has been worked out through a long process of dialogue and prayer.

I believe we each hold within us the capacity for violence, what Carl Sagen called the "Dragons of Eden." We all stand in continual need of redeeming grace. We have our lifetimes to recognize our need, repent and receive forgiveness and reconciliation. I have known many people who have experienced this transformative process. Imposition of the death sentence cuts off this possibility and increases the cycle of using deadly violence as a means to solve conflicts. It simply is state sanctioned revenge.

We support SB 306, and we encourage you to support it as well.

Rev. Susan K. DeBree
1106 Wilder
Helena, MT 59601

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME BILL LOVELADY

ADDRESS 749 SOUTH CALIFORNIA STREET

HOME PHONE 457-0515 WORK PHONE —

REPRESENTING SELF

APPEARING ON WHICH PROPOSAL 306

DO YOU: SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS:

I can sum up everything in one sentence you will hear today. The death penalty is morally wrong, financially foolish, ineffective as a deterrent, and politically dumb because people who are against the death penalty are more likely to vote than those who are for it.

What would Jesus do? If he hung around this place for 90 days, he would probably go someplace and apply for a job as a shepherd.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME Sydney Taber
ADDRESS 5432 Sahara Ct, Helena
HOME PHONE 458-3329 WORK PHONE _____
REPRESENTING Self
APPEARING ON WHICH PROPOSAL SB 306
DO YOU: SUPPORT ☒ OPPOSE _____ AMEND _____

COMMENTS:

I believe that the use of the death penalty is a barbaric practice. Invoking the worst in human nature. I also believe that as practiced in our country, it is inherently unjust. When those who receive the death penalty are usually poor and racial minorities, it is an indication of the injustice in the system itself. Life without possibility of parole allows for the possibility that those who did not commit crimes for which they were unjustly convicted may eventually be exonerated. Hundreds of people have been exonerated for crimes that they were accused and convicted or - found guilty of. I believe that the death penalty is a mistake.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME John R. Jacobson
ADDRESS 330 Blacktail Cy Rd, Butte
HOME PHONE 494-8206 WORK PHONE _____
REPRESENTING Self
APPEARING ON WHICH PROPOSAL SB 306
DO YOU: SUPPORT ☒ OPPOSE _____ AMEND _____

COMMENTS: Death penalty
1) No defined, uniform application,
varies from court to court
2) Inaccurately applied, examples
of people not guilty who were
executed
3) Does not work, no evidence
of deterrence of further crime
4) Not economical
5) Speaks against our
moral heritage

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

WITNESS STATEMENT

DO YOU: SUPPORT ✓ SB346 OPPOSE _____ AMEND _____

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME JoAnn Hanson

ADDRESS 6123 Moondance Road, Helena, MT 59601

HOME PHONE (406) 449-2689 WORK PHONE _____

REPRESENTING self

APPEARING ON WHICH PROPOSAL SR 306

DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

I am opposed to my government, the State of Montana taking the life of a person when adequate safeguards for public safety are available with the provision of the sentence of life imprisonment with no possibility of parole. This is especially critical considering that innocent people have been convicted of murder and sentenced to death.

The United States is one of a handful of countries that still practice capital punishment. The majority of the nations do not support this discriminatory action.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME ERIC STIMSON

ADDRESS 6123 Moondance Rd. Helena 59601

HOME PHONE 449-2689 WORK PHONE —

REPRESENTING Self

APPEARING ON WHICH PROPOSAL SB 306² - Death Penalty abolish ment

DO YOU: SUPPORT ✓ OPPOSE — AMEND —

COMMENTS:

The Finding that innocent people are still being convicted of capital crimes despite all our safeguards, proves that there is no way to ensure that the death penalty will not result in executing innocent people.

Please - put yourself in the shoes of that innocent man, wrongly convicted and facing death.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME PRUDENCE GILDROY

ADDRESS P.O. BOX 1085 HELENA MT 59624

HOME PHONE 442-4705 WORK PHONE 443-7630

REPRESENTING SELF

APPEARING ON WHICH PROPOSAL SB 306

DO YOU: SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS:

*Forgiveness and compassion are
spiritual principles. Revenge
and retaliation are not.*

Please let us abolish the death penalty.

*Otherwise let us craft amendments to
"Thou shalt not kill" to include this
exception?*

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME Bernard J. Fouch
ADDRESS 212 - BADEN ST BUTTE MT
HOME PHONE 782-0171 WORK PHONE ~~782~~ 490 2843
REPRESENTING ^{CHRISTIAN} Christians in MONT
APPEARING ON WHICH PROPOSAL 306
DO YOU: SUPPORT _____ OPPOSE yes AMEND _____

COMMENTS:

OPST TO LETTING MURDERS & RAPEST & SOIDMITE
DO PRES TO KILL AGENT!
KEEP THE DEATH PENETEL

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME Mary J. McLaughlin
ADDRESS 580 Little Basin Creek Rd Butte
HOME PHONE 406-494-1330 WORK PHONE 496-3791
REPRESENTING Self - Tax Payer of MT
APPEARING ON WHICH PROPOSAL SB 306
DO YOU: SUPPORT OPPOSE X AMEND

COMMENTS:

I oppose eliminating the death penalty in the state of MT and would support limiting the appeals process which would make it less efficient. I believe it is necessary to have the death penalty for a deterrent to crime. If someone can not be rehabilitated we as taxpayers should not have to support them. We owe it to the victims to provide a process of true justice. We can be sure that person will not commit another crime.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE
2007 LEGISLATURE

WITNESS STATEMENT

NAME Charlotte Trelinges
ADDRESS 92 Bonnis Center, Boulder, MT 59032
HOME PHONE 406-225-4387 WORK PHONE _____
REPRESENTING Self
APPEARING ON WHICH PROPOSAL SB 306
DO YOU: SUPPORT ☒ OPPOSE _____ AMEND _____

COMMENTS:

Death penalty = cruel & unusual punishment,
& irreversible in case of error.
Practice is barbaric & more costly by far
than life imprisonment w/out parole.
Use of death penalty = playing "God"
affects society as a whole & is filled
w/ vengeance.
Death penalty does not heal victims &
& relatives of capital crime.
In states where death penalty is
abolished, capital crime rate is lower than
in states w/ death penalty. Death penalty
does not deter crime or violence.
Please support SB 306 and work to
ABOLISH the death penalty.

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY